

Legislative Fiscal Bureau

Fiscal Note

HF 2560 - Terrorism Crimes (LSB 6680 HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version - New

Requested by Representative David Millage

Description

House File 2560 defines terrorism and provides that a person who kills another while participating in an act of terrorism commits a Class A felony. The Bill provides that soliciting or providing support for an act of terrorism is a Class B or Class C felony, depending on the value of the material support or resources. A person who makes a threat of terrorism commits a Class D felony. A person who obstructs the prosecution of terrorism that resulted in the death of another, commits a Class B felony. A person who obstructs prosecution of terrorism that does not result in death commits a Class C felony. The Bill changes the current criminal offense of "terrorism" to "intimidation with a dangerous weapon."

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. "Civilian population" in HF 2560 means large numbers of people. Certain acts of arson or vandalism are not subject to the amended definition of terrorism.
5. Acts of terrorism as defined in the Bill will continue to be rare events in Iowa.
6. There is no significant correctional or fiscal impact due to the proposed Class A felony offense. Homicides while participating in a forcible felony are already punishable by life in prison without parole.
7. Average length of stay in prison is 87 months for a Class B felony, 51 months for a Class C felony, and 25 months for a Class D felony. The marginal cost per day for State prisons is \$16 per inmate.
8. Average length of stay on parole is 36 months for a Class B felony, 30 months for a Class C felony, and 29 months for a Class D felony. The marginal cost per day for parole supervision is \$1.55 per offender.
9. The median cost for indigent defense per case is \$3,500 for a Class B felony, \$1,200 for a Class C felony, and \$1,000 for a Class D felony.
10. The average cost per felony case for the Judicial Branch ranges from \$200 to \$600, depending on whether a jury trial occurs. These figures include the costs of a District Court Judge, Clerk of Court staff, a court reporter, and a court attendant.

Correctional Impact

There is no data with which to estimate the correctional impact of creating these new offenses. However, there will be a correctional impact to the extent that convictions under this statute occur, but the impact is not expected to be significant.

Fiscal Impact

The fiscal impact of HF 2560 cannot be determined due to insufficient information; however, it is not anticipated to be significant.

Total State costs for one Class B felony conviction is approximately \$48,000. This amount includes costs of indigent defense and the Judicial Branch, plus the costs of housing the offender in prison for 87 months, and supervising the offender in the community for 36 months.

Total State costs for one Class C felony conviction is approximately \$27,000. This amount includes costs of indigent defense and the Judicial Branch, plus the costs of housing the offender in prison for 51 months, and supervising the offender in the community for 30 months.

Total State costs for one Class D felony conviction is approximately \$15,000. This amount includes costs of indigent defense and the Judicial Branch, plus the costs of housing the offender in prison for 25 months, and supervising the offender in the community for 29 months.

While the fiscal impact on counties cannot be determined, it does not appear to be significant.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
State Public Defender's Office
Iowa Supreme Court

/s/ Dennis C Prouty

February 28, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
